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REMARKS

Claims 6-11 are pending in the application.

Applicant(s) thank(s) the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

The Office action objects to claims 9 and 11 because of an informality. Claims 9 and 11 are amended for nonstatutory reasons without changing the scope of those claims whatsoever. This amendment obviates the objection. Accordingly, withdrawal of the objection to claims 9 and 11 is respectfully requested.

The Office action rejects claims 6-11 under 35 U.S.C. § 112, second paragraph for the use of the word "substantially" in independent claim 1. Applicants respectfully traverse this rejection. The Office action improperly objects to the use of the word "substantially" as being indefinite. Applicant respectfully disagrees with any such assertion. It is well settled that the use of "substantially" is not indefinite under 35 U.S.C. § 112, second paragraph, when one of ordinary skill in the art would be well apprised of the scope of the claims in light of the application. MPEP 2173.05(b)D. The use by applicant of "substantially" is definite in claim 1 because one of ordinary skill in the art would know what was meant by a

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"substantially closed core," a gap that is "substantially filled with a spacer material," "substantially parallel side faces," and synthetic resin that is "substantially homogeneously distributed" in a gap. Accordingly, withdrawal of the 35 U.S.C. § 112, second paragraph rejection of claims 6-11 is respectfully requested.

The Office action rejects claim 10 under 35 U.S.C. § 112, second paragraph for alleged ambiguity of the phrase "a number of turns." Applicants respectfully traverse this rejection. "Number of turns" is always used consistently in the specification, for example on page 6, lines 17-18. The phrase must be given its plain meaning consistent with the specification, as it would be interpreted by those of ordinary skill in the art. MPEP 2111.01. One of ordinary skill in the art would readily understand the meaning of a "turn" as it applies to a magnetic coil, and therefore applicants are entitled to use this term.

It is evident from its usage in the specification that the phrase "a number of turns" in claim 10 would have the same meaning to one familiar with the art as "a plurality of turns" of a coil. "A number of turns" as consistently used in the specification and recited in claim 10 is not repugnant to well-known usage, and in fact is the same as the well-known

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usage of "a number of turns" in the art. Therefore applicants are entitled to use it. See MPEP 2111.01. Accordingly, withdrawal of the 35 U.S.C. § 112, second paragraph rejection of claim 10 is respectfully requested.

The Office action rejects claims 6-11 under 35 U.S.C. § 103(a) over U.S. Pat. No. 5,204,653 to Saitoh et al. in view of U.S. Pat. No. 3,603,864 to Thaler. Applicants respectfully traverse this rejection. As explained below, claims 6-11 are patentable over any patentable combination of the cited references.

The Office action admits that Saitoh et al. lacks a concave surface formed in the adhesive filler material 17 (made of resin 16 mixed with finely divided ferromagnetic particles 10) that fills first and second gaps. Thaler does not cure this deficiency. Thaler teaches a magnetic core 32 that includes a main C-shaped section 33 and a (spool shaped) longitudinal portion 34 that has a varying cross-section (column 3, lines 58-67). There is no rationale given by the Office action as to why a core portion having a concave surface would give any motivation to modify the apparatus of Saitoh et al. by giving its adhesive filler material 17 a concave surface. The purpose of the spool-shaped auxiliary magnetic core section 34 of Thaler is to provide a pair of air gaps

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between the pole faces of the C-shaped core section 33 and the ends of the spool-shaped portion 34. This is totally inapplicable to the adhesive filler material 17 of Saitoh et al. which is disposed to fill a gap, rather than to create additional gaps. Replacing the adhesive filler material 17 of Saitoh et al. with the spool-shaped core section 34 of Thaler would change the principle of operation of Saitoh et al., and additionally would render it inoperable for its intended purpose. A rejection under 35 U.S.C. § 103(a) cannot be sustained if the proposed combination would change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. MPEP § 2143.01.

Additionally, regarding claims 9 and 11, the feature that the first gap and the second gap enclose an angle between 5 and 355° with one another cannot be found in either of the cited references.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 6-11 is respectfully requested.

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the rejections of record, allow all the pending claims, and find the present application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or

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telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

9. (Thrice Amended) The core of claim 6, wherein:  
the core comprises a second gap; and  
the first gap and the second gap enclose an angle  
between 5 and 355° with one another.

11. (Amended) The core of claim 8, wherein:  
the core comprises a second gap; and  
the first gap and the second gap enclose an angle  
between 5 and 355° with one another.

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